

REMARKS

The Office Action mailed on January 29, 2004, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 2, 4-8, 10, 13 and 16-50 were pending in the application. By this paper, Applicant cancels claims 19-26, 28, 29, 34, and 37-38 without prejudice or disclaimer, and adds no claims. Therefore, claims 2, 4-8, 10, 13, 16-18, 27, 30-33, 35-36 and 39-50 are now pending in the present application.

Applicant respectfully submits that the present application is in condition for allowance for the reasons that follow.

Election/Restriction

Applicant thanks Examiner Gonzalez for withdrawing the restriction/election requirement of claims 19-34.

Allowable Subject Matter

Applicant thanks Examiner Gonzalez for allowing claims 2, 4-8, 10, 13, 16, 17, 18, 35 and 36, and indicating that claims 27 and 37-50 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include the limitations of the base claim and any intervening claims. Applicant further thanks Examiner Gonzalez for indicating that claims 30-33 contain allowable subject matter.

Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 19-27 and 37-50 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Many of these claims have been cancelled. In regard to the claims that remain pending, some of which are now presented in independent form, the

recitations pertinent to the rejection under 35 U.S.C. §112, second paragraph, have been removed. Reconsideration and allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 19, 21-24, 28, 29 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nagate (USP 5,864,192) in view of Berdut (USP 5,452,663), with claims 25, 26 being rejected in view of the same references when combined with Masuzawa (Unidentified Reference), and with claim 20 being rejected again in view of Nagate and Berdut upon combination with Nii (USP 5,574,322).

In order to advance and expedite prosecution, Applicant has cancelled claims 19-26 without prejudice or disclaimer, placed claim 27 into independent form by incorporating all of the recitations of claim 19, save for the recitation that “the detector is configured such that the magnetic flux is concentrated on the ends of the plates” (a recitation identified as being indefinite under 35 U.S.C. §112, second paragraph) into claim 27, cancelled claims 28 and 29 without prejudice or disclaimer, placed claim 30 in independent form, cancelled claims 34, 37 and 38 without prejudice or disclaimer, and amended the dependencies of claims 39-40 and 42 to depend from claim 35.

Applicant respectfully submits that the above amendments place the present case into condition for allowance. Deletion of the recitation that “the detector is configured such that the magnetic flux is concentrated on the ends of the plates” in claim 27 does not affect the patentability of the claim, i.e., see the reasons stated in the Office Action for allowing claim 27.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Gonzalez is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date April 29, 2004

By 

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Registration No. 25,479
Martin J. Cosenza
Registration No. 48,892
Attorney for Applicant